



MAIL STOP
PETITION

FTW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: J. Rosenberger Attorney Docket No.: WIMET-1-21663
Application No.: 10/669,124 Group Art Unit: 2171
Filed: September 23, 2003 Examiner: S. Metjahic
Title: SYSTEM AND METHOD FOR WIRELESS LOCAL AREA NETWORK
OPERATIONAL MONITORING AND INTRUSION DETECTION

RENEWED PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102

Seattle, Washington 98101

July 20, 2005

TO THE COMMISSIONER FOR PATENTS:

Applicant requests reconsideration that the above-identified application be made special and examination accelerated according to 37 C.F.R. § 1.102(d). In this renewed petition, applicant has perfected the omission to elect without traverse as identified by the Special Programs Examiner in a communication on this matter dated July 5, 2005. Applicant submits that the present application, with this renewed petition, meets the requirements set forth in the M.P.E.P. § 708.02(VIII).

In regard to M.P.E.P. § 708.02(VIII)(A), the fee set forth in 37 C.F.R. § 1.17(h) was included with the original Petition to Make Special.

In compliance with M.P.E.P. § 708.02(VIII)(B), applicant submits that the claims of the present application are directed to a single invention. If it is determined that all claims presented are not obviously directed to a single invention, applicant will make an election without traverse.

Consistent with M.P.E.P. § 708.02(VIII)(C), applicant submits that a pre-examination search has been made by the World Intellectual Property Organization (WIPO) for a PCT application that corresponds to the present application. Copies of the International Search Report

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and Preliminary Examination Report are attached. Applicant further submits that the claims of the PCT application (the subject matter of the pre-examination search) are of the same or similar scope to the claims of the present application.

In regard to M.P.E.P. § 708.02(VIII)(D), a copy of each reference cited in the International Search Report is enclosed.

In compliance with M.P.E.P. § 708.02(VIII)(E), a detailed discussion of the references and how the claimed subject is patentable over the references is set forth below.

U.S. Patent Application Publication No. 2003/0217283 A1, to Hrastar et al. ("Hrastar")

Hrastar provides a system for detecting and responding to security violations. The Hrastar system operates on all wireless network traffic. As a wireless network frame (wireless network traffic) is received, an intrusion detection system (IDS) executes a series of tests on the packets of information in the network frame. The tests include a signature-based test, a protocol-based test, an anomaly-based test, and a policy deviation-based test.

The signature-based test analyzes information in the wireless network traffic to detect the "signature" of known security threats. In this case, "signature" should be viewed as a term of art, referring to patterns and sequences in the data that are known security threats. As a point of reference, computer viruses are also commonly recognized by their "signature," i.e., the presence of particular sequences or patterns in data to identify it as a potential security threat/virus.

The protocol-based test determines whether or not the protocol used in the network traffic is legitimate. As stated in Hrastar, emitting a large number of association or disassociation requests in a short interval is not a legitimate use of the protocol.

The anomaly-based test analyzes whether the particular network activity falls outside of the "norm." Large transfers of data from one location to another might fall outside of the norm, and trigger an appropriate response.

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The policy-based test determines whether the activity violates predetermined policies. Access by a particular client to a restricted subnet may constitute a policy-based violation.

If, based on the results of the tests, unauthorized wireless network traffic is detected, the IDS may take appropriate action. The actions include notification of administrators, as well as communication measures (called active measures) designed to thwart the wireless connection/activity. These active measures include introducing CRC errors into the wireless stream, "trapping/mapping" the intruder to determine its location, introducing "chaff" into the wireless stream to reduce the probability that an intruder can break the system encryption, jamming by broadcasting noise in the spectrum such that no workstation can connect to an access point, dynamic channel changing, and the like.

U.S. Patent Application Publication No. 2003/0217289 A1, to Ammon et al. ("Ammon")

In addition to a "regular" network that includes wireless access points, Ammon discloses a wireless intrusion detection system (WID system). The Ammon system includes one or more WID nodes and at least one WID collector.

Purportedly, the WID nodes monitor the wireless network for both authorized and unauthorized access. The WID nodes periodically report events (information regarding unauthorized access) to the WID collector. This is reported in an out-of-band communication to the WID collector. The WID collector amasses the event information regarding unauthorized events, and makes the information available to system administrators.

While Ammon generally references monitoring for unauthorized wireless access, little is discussed. Rather, Ammon appears more focused at the interaction between the WID nodes and the WID collector, and in reporting unauthorized access to a system administrator in various formats.

The Claims Distinguished from Hrastar and Ammon

While both Hrastar and Ammon are generally directed to unauthorized wireless activity, neither of the references include the following limitations as found in independent Claim 1:

passively monitors for network traffic received from an unknown wireless device;
creates a device profile of the unknown wireless device;
determines whether the unknown wireless device is an authorized device; and
if the unknown wireless device is determined to be an authorized device, permits the network traffic from the unknown wireless device to pass to the computer network.

Unlike the present invention, Hrastar subjects all wireless network activity to determine whether it is authorized/unauthorized. In contrast, the present invention monitors for wireless activity from an unknown wireless device. In other words, wireless network originating from a known/authorized device will pass through without any obstruction or challenge.

Neither Hrastar nor Ammon teach or suggest creating a device profile of the unknown device. As mentioned above, Hrastar challenges all wireless network activity, subjecting all traffic to a series of tests designed to detect unauthorized access. However, this is not a profile of the "unknown device" for at least two reasons: (1) Hrastar challenges all network traffic, not just unknown devices, and (2) Hrastar subjects information to tests, which is substantially distinct from the positive action of creating "a device profile of the unknown device."

It follows that as Hrastar and Ammon fail to teach or suggest creating a device profile, it further follows that the two cited references fail to teach or suggest determining whether the unknown wireless device is an authorized device according to the device profile.

It also follows that cited references fail to teach or suggest permitting "the network traffic from the unknown wireless device to pass to the computer network" "if the unknown wireless device is determined to be an authorized device."

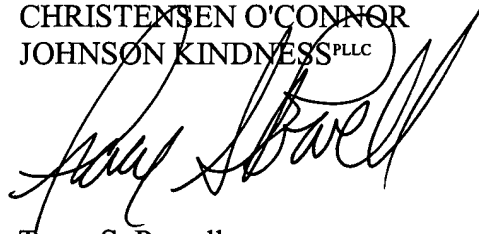
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Conclusion

The granting of this petition and an early Office Action on the merits of the application are respectfully requested.

Respectfully submitted,

CHRISTENSEN O'CONNOR
JOHNSON KINDNESS^{PLLC}



Tracy S. Powell
Registration No. 53,479
Direct Dial No. 206.695.1786

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the below date.

Date: July 20, 2005

Larri A. Lewis

TSP:lal

Attachments:

International Search Report
Cited references
Preliminary Examination Report

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PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

To:
TRACY S. POWELL
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101

PCT

NOTIFICATION OF TRANSMITTAL OF THE INTERNATIONAL SEARCH REPORT OR THE DECLARATION

(PCT Rule 44.1)

Date of Mailing (day/month/year)		11 MAR 2004
Applicant's or agent's file reference WIMET121770		FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US03/30839	International filing date (day/month/year) 23 September 2003 (23.09.2003)	
Applicant WIMETRICS CORPORATION		

1. ☒ The applicant is hereby notified that the international search report has been established and is transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the international application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the international search report.

Where? Directly to the International Bureau of WIPO, 34, chemin des Colombettes
1211 Geneva 20, Switzerland, Facsimile No.: (41-22) 740.14.35

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect is transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 40.2, the applicant is notified that:

☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.

☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. **Reminders**

Shortly after 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90 *bis*.1 and 90 *bis*.3, respectively, before the completion of the technical preparations for international publication.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the *PCT Applicant's Guide*, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <i>for Michelle R. Eason</i> Christopher Revak Telephone No. 703-305-3900
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Form PCT/ISA/220 (April 2002)

(See notes on accompanying sheet)

PATENT COOPERATION TREATY

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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference WIMET121770	FOR FURTHER ACTION	see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.
International application No. PCT/US03/30839	International filing date (<i>day/month/year</i>) 23 September 2003 (23.09.2003)	(Earliest) Priority Date (<i>day/month/year</i>) 23 September 2002 (23.09.2002)
Applicant WIMETRICS CORPORATION		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.



It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the Report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.



the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing:



contained in the international application in written form.



filed together with the international application in computer readable form.



furnished subsequently to this Authority in written form.



furnished subsequently to this Authority in computer readable form.



the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.



the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (See Box II).

4. With regard to the **title**,



the text is approved as submitted by the applicant.



the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,



the text is approved as submitted by the applicant.



the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No. 2



as suggested by the applicant.



None of the figures



because the applicant failed to suggest a figure.



because this figure better characterizes the invention.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/30839

Box III TEXT OF THE ABSTRACT (Continuation of Item 5 of the first sheet)

The technical features mentioned in the abstract do not include a reference sign between parentheses (PCT Rule 8.1(d)).

NEW ABSTRACT

The present invention provides a system and method for providing real-time wireless network (200) monitoring and intrusion detection (202). The present invention profiles wireless devices (134) and maintains a database of known/authorized wireless device profiles (134). Wireless devices (134) are analyzed to determine the threat level they pose to the network (110), and if the threat level exceeds a predetermined threshold, the invention refuses to bridge the network traffic from the wireless devices (134) to the wired network (110). The present invention provides reporting of the wireless activity, the known and unknown wireless devices (134), and the threat levels posed by the wireless devices (134). If an unknown wireless device is determined to be, or may be, a wireless access point, an alert is generated, such as notifying a system administrator to take appropriate action.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US03/30839

A. CLASSIFICATION OF SUBJECT MATTER

IPC(7) : H04L 9/00, 9/32; G06F 11/30, 12/14, 15/16

US CL : 380/270; 713/200, 201, 202; 709/223, 224; 370/912, 913

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

U.S. : 380/270; 713/200, 201, 202; 709/223, 224; 370/912, 913

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practicable, search terms used)
Please See Continuation Sheet**C. DOCUMENTS CONSIDERED TO BE RELEVANT**

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X,E	US 2003/0217289 A1 (AMMON et al) 20 November 2003, see Abstract, paragraphs 12,25,73,117,118, and 136	1-66
X,E	US 2003/0217283 A1 (HRASTAR et al) 20 November 2003, see paragraphs 19,48,139,158,159, and 163	1-66

☐ Further documents are listed in the continuation of Box C.☐ See patent family annex.

Special categories of cited documents:	
"A" document defining the general state of the art which is not considered to be of particular relevance	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
"E" earlier application or patent published on or after the international filing date	"X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
"L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)	"Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art
"O" document referring to an oral disclosure, use, exhibition or other means	"&" document member of the same patent family
"P" document published prior to the international filing date but later than the priority date claimed	

Date of the actual completion of the international search 27 February 2004 (27.02.2004)	Date of mailing of the international search report 11 MAR 2004
Name and mailing address of the ISA/US Mail Stop PCT, Attn: ISA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer <i>Michelle R. Esch</i> Christopher Revak Telephone No. 703-305-3900

INTERNATIONAL SEARCH REPORT

PCT/US03/30839

Continuation of B. FIELDS SEARCHED Item 3:

BRS (files: USPAT, DERWENT, EPO, JPO, IBM TDBs, USPGPUB)

search terms: intrusion, intruder, attack, attacked, attacker, attacking, hostile, detect, detected, detecting, detection, monitor, monitoring, monitored, audit, audited, auditing, analyze, analyzing, analyzed, analysis, unknown, unrecognized, unrecognized, device, location, component, pda, node, cellular, phone, laptop, wireless, portable, authorize, authorization, authorizing, authorized, authenticate, authentication, authenticated, authenticating, verify, verification, verifying, verified

PATENT COOPERATION TREATY

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To: PLRFrom the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITYTo:
TRACY S. POWELL
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 FIFTH AVENUE, SUITE 2800
SEATTLE, WA 98101PROCESSED
DOCKETING

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NOTIFICATION OF TRANSMITTAL OF
INTERNATIONAL PRELIMINARY
EXAMINATION REPORT

(PCT Rule 71.1)

Date of Mailing
(day/month/year)

11 MAY 2004

Applicant's or agent's file reference

WIMET121770

IMPORTANT NOTIFICATION

International application No.

PCT/US03/30839

International filing date (day/month/year)

23 September 2003 (23.09.2003)

Priority date (day/month/year)

23 September 2002 (23.09.2002)

Applicant

WIMETRICS CORPORATION

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.
4. **REMINDER**

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US
Mail Stop PCT, Attn: IPEA/US
Commissioner for Patents
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Alexandria, Virginia 22313-1450
Facsimile No. (703) 305-3230

Authorized officer

Ayaz Sheikh

Telephone No. 703-305-3900

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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference WIMET121770	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US03/30839	International filing date (day/month/year) 23 September 2003 (23.09.2003)	Priority date (day/month/year) 23 September 2002 (23.09.2002)
International Patent Classification (IPC) or national classification and IPC IPC(7): H04L 9/00, 9/32; G06F 11/30, 12/14, 15/16 and US Cl.: 380/270; 713/200, 201, 202; 709/223, 224; 370/912, 913		
Applicant WIMETRICS CORPORATION		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.


2. This REPORT consists of a total of 3 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of report with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 29 March 2004 (29.03.2004)	Date of completion of this report 01 May 2004 (01.05.2004)
Name and mailing address of the IPEA/US Mail Stop PCT, Attn: IPEA/US Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 Facsimile No. (703) 305-3230	Authorized officer  Ayaz Sheikh Telephone No. 703-305-3900

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US03/30839

I. Basis of the report

1. With regard to the elements of the international application:*

- ☒ the international application as originally filed.
- ☒ the description:
pages 1-19 as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the claims:
pages 20-28, as originally filed
pages NONE, as amended (together with any statement) under Article 19
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☒ the drawings:
pages 1-11, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.
- ☐ the sequence listing part of the description:
pages NONE, as originally filed
pages NONE, filed with the demand
pages NONE, filed with the letter of _____.

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☐ The amendments have resulted in the cancellation of:

- ☐ the description, pages NONE
- ☐ the claims, Nos. NONE
- ☐ the drawings, sheets/fig NONE

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/US03/30839**V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. STATEMENT**

Novelty (N)	Claims <u>1-66</u>	YES
	Claims <u>NONE</u>	NO
Inventive Step (IS)	Claims <u>1-66</u>	YES
	Claims <u>NONE</u>	NO
Industrial Applicability (IA)	Claims <u>1-66</u>	YES
	Claims <u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-66 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest passively monitoring for network traffic received from an unknown wireless device, creating a device profile for the unknown wireless device, determining whether the unknown wireless device is an authorized device, and if the unknown wireless device is determined to be an authorized device, permitting network traffic from the unknown wireless device to pass to the computer network.

----- NEW CITATIONS -----
NONE